

E-FILED on 10/25/06

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

YOLANDA SOLLOWAY,

Plaintiff,

v.

ALLIED INTERSTATE, INC.,

Defendant.

No. C-06-04814 RMW

ORDER GRANTING MOTION TO  
REMAND

[Re Docket No. 10]


Defendant's removal to this court was based on plaintiff's prayer for the "maximum statutory damages" recoverable under California Civil Code § 1788. Compl. at 6. Both parties agree the maximum damages recoverable under the statute do not meet the five-million dollar minimum amount in controversy required to give this court jurisdiction based on diversity of citizenship. *See* 28 U.S.C. § 1332(d)(2). The court therefore remands the case to the Santa Clara County Superior Court.

The court finds defendant lacked an objectively reasonable basis for seeking removal. Plaintiff is therefore entitled to reasonable costs and attorney fees pursuant to 28 U.S.C. § 1447(c). Plaintiff may submit a declaration of fees and costs no later than Friday, October 27, 2006. Defendant may submit any response no later than Friday, November 3, 2006.

ORDER GRANTING MOTION TO REMAND—No. C-06-04814 RMW  
CAR

1 The clerk of this court shall, pursuant to 28 U.S.C. § 1447(c), mail a certified copy of this  
2 order to the clerk of the Superior Court for the County of Santa Clara.

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5 DATED: 10/25/06

  
RONALD M. WHYTE  
United States District Judge

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